

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on March 11, 2005 at 8:00 A.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Bob Lake, Vice Chairman (R)
Rep. John Balyeat (R)
Rep. Norma Bixby (D)
Rep. Margaret H. Campbell (D)
Rep. Jill Cohenour (D)
Rep. Wanda Grinde (D)
Rep. Dennis Himmelberger (R)
Rep. Carol Lambert (R)
Rep. Dave McAlpin (D)
Rep. Jim Peterson (R)
Rep. Holly Raser (D)
Rep. John (Jack) W. Ross (R)
Rep. Scott Sales (R)
Rep. Bill Warden (R)
Rep. Brady Wiseman (D)

Members Excused: Rep. Gary Branae, Vice Chairman (D)

Members Absent: Rep. Edward B. Butcher (R)
Rep. Tom Facey (D)
Rep. George G. Groesbeck (D)

Staff Present: Jeff Martin, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: HB 278; HB 413; HB 506;
HB 509; HB 551; HB 554;
HB 680; HB 729; HJ 27;
HB 569; HB 667

EXECUTIVE ACTION ON HB 278

00:01:52 **Motion:** REP. RASER moved that HB 278 DO PASS.

Discussion:

00:02:00 REP. COHENOUR

00:02:34 **Vote:** Motion failed 1-19 by voice vote with REP. WISEMAN voting aye and REPS. BRANAE, GROESBECK, BUTCHER and FACEY voting by proxy.

00:03:14 **Motion/Vote:** REP. PETERSON moved that HB 278 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote.

EXECUTIVE ACTION ON HB 413

00:03:59 **Motion:** REP. CAMPBELL moved that HB 413 DO PASS.

00:04:51 **Motion:** REP. LAKE moved that HB 413 BE AMENDED.
[EXHIBIT](#) (tah54a01)

Discussion:

00:05:05 Jeff Martin, Legislative Services Division

00:10:00 REP. CAMPBELL

00:10:19 REP. FACEY arrived at Committee Meeting

00:10:31 REP. WISEMAN

00:11:00 REP. SALES

00:11:12 REP. ROSS

00:12:21 REP. CAMPBELL

00:12:59 REP. BUTCHER arrived at Committee Meeting

00:13:22 CHAIRMAN WAITSCHIES

00:15:16 **Vote:** Motion carried 14-6 by roll call vote with REPS. FACEY, GROESBECK, MCALPIN, RASER, SALES, and WISEMAN voting no and REPS. BRANAE and GROESBECK voting by proxy.

00:15:27 **Motion:** REP. CAMPBELL moved that HB 413 DO PASS
AS AMENDED.

Discussion:

00:15:29 REP. McALPIN
00:15:42 REP. CAMPBELL
00:16:27 REP. BALYEAT
00:17:46 REP. PETERSON

00:18:22 *REP. WARDEN returned to Committee Meeting*

00:18:54 REP. BALYEAT

00:19:14 **Vote:** Motion failed 5-15 by roll call vote with
REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, and
WARDEN voting aye and REPS. BRANAE and GROESBECK
voting by proxy.

00:20:31 **Motion/Vote:** REP. LAMBERT moved that HB 413 BE
TABLED AND THE VOTE REVERSED. Motion carried by
voice vote.

EXECUTIVE ACTION ON HB 506

00:21:40 **Motion:** REP. FACEY moved that HB 506 DO PASS.

00:21:48 **Motion:** REP. FACEY moved that HB 506 BE AMENDED.
[EXHIBIT \(tah54a02\)](#)

Discussion:

00:23:03 Jeff Martin, Legislative Services Division
00:27:00 REP. McALPIN
00:27:31 Dolores Cooney, Montana Department of Revenue
00:30:44 REP. PETERSON

00:32:54 *REP. BRANAE arrived at Committee Meeting*

00:35:13 REP. CAMPBELL
00:36:17 CHAIRMAN WAITSCHIES
00:37:40 REP. BIXBY
00:38:23 Dolores Cooney, Montana Department of Revenue

00:39:21 **Vote:** Motion carried 18-2 by roll call vote with
REPS. MCALPIN and WISEMAN voting no and REP.
GROESBECK voting by proxy.

00:40:33 Motion: REP. FACEY moved that HB 506 DO PASS AS AMENDED.

Discussion:

00:40:41 REP. LAKE
00:41:25 REP. ROSS
00:42:17 REP. PETERSON
00:42:40 REP. FACEY

00:42:55 Vote: Motion failed 2-18 by roll call vote with REPS. FACEY and HIMMELBERGER voting aye and REPS. BUTCHER, GROESBECK and McALPIN voting by proxy.

00:44:35 Motion/Vote: REP. LAKE moved that HB 506 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote.

EXECUTIVE ACTION ON HB 509

00:46:01 Motion: REP. ROSS moved that HB 509 DO PASS.

00:46:09 Motion: REP. ROSS moved that HB 509 BE AMENDED.
[EXHIBIT](#) (tah54a03)

Discussion:

00:46:27 REP. ROSS
00:48:07 REP. LAMBERT
00:48:47 REP. PETERSON
00:50:00 Jeff Martin, Legislative Services Division

00:50:12 *REP. McALPIN returned to Committee Meeting*

00:50:24 Vote: Motion carried 19-1 by voice vote with REP. SALES voting no and REPS. BUTCHER and GROESBECK voting by proxy.

00:51:17 Motion: REP. FACEY moved that HB 509 DO PASS AS AMENDED.

Discussion:

00:51:24 REP. ROSS
00:51:48 REP. RASER

00:52:19 Vote: Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. BUTCHER and GROESBECK voting by proxy.

EXECUTIVE ACTION ON HB 551

00:54:07 **Motion:** REP. BRANAE moved that HB 551 DO PASS.

Discussion:

00:54:15 REP. BRANAE

00:54:27 *REP. GROESBECK returned to Committee Meeting*

00:59:01 **Motion/Vote:** REP. BRANAE moved that HB 551 BE AMENDED. Motion carried by voice vote 19-1 with REP. SALES voting no and REP. BUTCHER voting by proxy.

EXHIBIT (tah54a04)

00:59:45 **Motion:** REP. BRANAE moved that HB 551 DO PASS AS AMENDED.

Discussion:

00:59:47 REP. GRINDE

01:00:52 REP. LAKE

01:02:05 REP. ROSS

01:03:18 REP. BRANAE

01:04:08 **Vote:** Motion failed 7-13 by roll call vote with REPS. BRANAE, CAMPBELL, FACEY, GRINDE, MCALPIN, RASER, and WISEMAN voting aye and REP. BUTCHER voting by proxy.

01:05:21 **Motion/Vote:** REP. LAKE moved that HB 551 BE TABLED AND THE VOTE REVERSED. Motion passed by voice vote with REP. BUTCHER voting by proxy.

EXECUTIVE ACTION ON HB 554

01:06:01 **Motion:** REP. SALES moved that HB 554 DO PASS.

01:06:23 **Motion:** REP. LAMBERT moved that HB 554 BE AMENDED.

EXHIBIT (tah54a05)

Discussion:

01:06:55 Jeff Martin, Legislative Services Division

01:09:43 **Vote:** Motion carried unanimously by voice vote with REP. BUTCHER voting by proxy.

01:10:07 **Motion:** REP. SALES moved that HB 554 DO PASS AS
 AMENDED.

Discussion:

01:10:17 REP. SALES
01:11:08 REP. FACEY
01:12:15 REP. LAMBERT
01:12:46 REP. COHENOUR
01:13:52 REP. SALES
01:15:15 REP. WISEMAN
01:16:56 REP. BALYEAT
01:18:17 REP. McALPIN
01:18:30 REP. COHENOUR
01:20:20 REP. WISEMAN
01:20:43 REP. SALES
01:22:47 REP. ROSS
01:23:08 REP. LAMBERT
01:23:41 REP. RASER
01:24:25 REP. PETERSON
01:25:43 REP. BALYEAT
01:28:04 REP. WISEMAN
01:29:42 REP. RASER
01:30:28 **CHAIRMAN WAITSCHIES**
01:30:41 Dolores Cooney, Montana Department of Revenue

01:31:52 *REP. CAMPBELL left the Committee Meeting*

01:33:26 **REP. WARDEN**
01:33:56 Dolores Cooney, Montana Department of Revenue

01:34:36 **Vote:** Motion failed 10-10 by roll call vote with
 REPS. BALYEAT, BUTCHER, HIMMELBERGER, LAKE,
 LAMBERT, PETERSON, ROSS, SALES, WAITSCHIES, and
 WARDEN voting aye and REPS. BUTCHER and CAMPBELL
 voting by proxy.

01:36:04 Break
01:55:50 Resume

01:56:38 *REP. CAMPBELL returns to Committee Meeting and*
 REP. PETERSON leaves Committee Meeting

EXECUTIVE ACTION ON HB 680

01:58:08 **Motion:** REP. COHENOUR moved that HB 680 DO PASS.

Discussion:

01:58:27 REP. COHENOUR

01:58:44 Vote: Motion failed 2-18 by roll call vote with REPS. BIXBY and GROESBECK voting aye and REPS. BUTCHER and PETERSON voting by proxy.

02:00:26 Motion/Vote: REP. RASER moved that HB 680 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REPS. BUTCHER and PETERSON voting by proxy.

EXECUTIVE ACTION ON HB 729

02:02:31 Motion: REP. ROSS moved that HB 729 DO PASS.

Discussion:

02:02:40 REP. COHENOUR

02:02:46 REP. PETERSON returned to Committee Hearing.

02:02:54 REP. BALYEAT

02:03:19 REP. BRANAE

02:03:41 Vote: Motion failed 3-17 by roll call vote with REPS. BIXBY, COHENOUR, and MCALPIN voting aye and REP. BUTCHER voting by proxy.

02:04:38 Motion/Vote: REP. LAMBERT moved that HB 729 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote with REP. BUTCHER voting by proxy.

EXECUTIVE ACTION ON HJ 27

02:05:42 Motion: REP. SALES moved that HJ 27 DO PASS.

Discussion:

02:05:48 REP. BALYEAT

02:06:53 Vote: Motion failed 9-11 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REP. BUTCHER voting by proxy.

02:08:36 Motion: REP. LAKE moved that HJ 27 BE TABLED AND THE VOTE REVERSED by voice vote. REP. McALPIN objected to the Voice Vote thus a Roll Call Vote was taken.

02:09:55 Vote: Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, McALPIN, RASER, and WISEMAN voting aye and REP. BUTCHER voting by proxy.

EXECUTIVE ACTION ON HB 569

02:11:45 Motion: REP. FACEY moved that HB 569 DO PASS.

Discussion:

02:12:00 REP. FACEY

02:12:46 REP. BALYEAT

02:13:06 Vote: Motion carried 15-5 by roll call vote with REPS. BIXBY, COHENOUR, GRINDE, RASER, and WISEMAN voting no and REP. BUTCHER voting by proxy.

EXECUTIVE ACTION ON HB 667

02:15:13 Motion: REP. COHENOUR moved that HB 667 DO PASS.

02:15:25 Motion: REP. COHENOUR moved that HB 667 BE AMENDED.

Discussion:

02:15:37 REP. COHENOUR

02:16:08 Vote: Motion carried 19-1 by voice vote with REP. SALES voting no and REP. BUTCHER voting by proxy.

02:16:36 Motion: REP. COHENOUR moved that HB 667 DO PASS AS AMENDED.

Discussion:

02:16:45 **REP. LAMBERT**
02:19:00 **REP. McALPIN**
02:19:26 **REP. CAMPBELL**
02:21:58 **REP. SALES**
02:23:25 **REP. BRANAE**
02:24:47 **REP. LAKE**
02:26:45 **REP. GROESBECK**

02:27:44 *REP. BUTCHER arrives at Committee Meeting.*

02:29:00 **REP. COHENOUR**
02:31:26 **REP. BALLYEAT**
02:33:41 **REP. RASER**
02:35:09 **REP. FACEY**
02:37:38 **REP. GRINDE**
02:38:19 **REP. ROSS**
02:39:58 **REP. BIXBY**
02:40:48 **REP. WISEMAN**
02:43:10 **REP. HIMMELBERGER**
02:44:12 **REP. BUTCHER**

02:50:25 **Vote: Motion failed 10-10 by roll call vote with
REPS. BRANAE, BIXBY, CAMPBELL, COHENOUR, FACEY,
GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN
voting aye.**

Under Adopted House Rule H30-50, Procedures, Subsection 5, HB 667
was placed on the Committee of the Whole Agenda for second
reading on March 11, 2005.

02:51:44

ADJOURNMENT

Adjournment: 11:00 A.M.

REP. KARL WAITSCHIES, Chairman

DEBRA POLHEMUS, Secretary

KW/dp

Additional Exhibits:

EXHIBIT ([tah54aad0.TIF](#))